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8 UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
9 AT SEATTLE

10 LINNE ROSE,

11 Plaintiff,

12 v.

13 BEHR PROCESS CORP., et al.,

14 Defendants.  
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CASE NO. C17-1754 MJP

MINUTE ORDER

16 The following minute order is made by the direction of the court, the Honorable Marsha  
17 J. Pechman, United States District Judge:

18 On February 25, 2019, Plaintiff filed a Notice of Voluntary Dismissal Without Prejudice,  
19 purportedly pursuant to FRCP 41(a)(1)(A)(i). (Dkt. No. 52.) FRCP 41(a)(1)(A)(i) provides that  
20 “the plaintiff may dismiss an action without a court order by filing a notice of dismissal before  
21 the opposing party serves either an answer or a motion for summary judgment.”

22 An answer has been filed in this matter (*see* Dkt. No. 40, Answer and Affirmative  
23 Defenses of Defendants Behr Process Corporation, et al., to Plaintiff’s Class Action Complaint).  
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1 As such, FRCP 41(a)(1)(A)(i) is unavailable to Plaintiff as a mechanism for dismissal. The  
2 Court suggests that FRCP 41(a)(1)(A)(ii) (“a stipulation of dismissal signed by all parties who  
3 have appeared”) might be a more appropriate vehicle.

4 The pleading denoted as a “Notice of Voluntary Dismissal Without Prejudice” (Dkt. No.  
5 52) is stricken.

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7 The clerk is ordered to provide copies of this order to all counsel.

8 Filed February 25, 2019.

9 William M. McCool  
10 Clerk of Court

11 s/Paula McNabb  
12 Deputy Clerk  
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